

APPENDIX 2

Reasoned opinion from the Swedish Parliament

The Committee has examined the Commission's proposal for a directive on Corporate Sustainability Due Diligence (COM(2022) 71). In connection with the subsidiarity check, the Riksdag would like to state the following:

Sweden is an exporting country and many Swedish companies are active in the European and global market. Sustainability issues are important for many Swedish companies from a competitiveness perspective. The Riksdag therefore believes that companies both inside and outside the internal market need legal certainty and fair conditions for competition to enable them to grow in a sustainable fashion. The Riksdag notes that several member states have introduced or are considering introducing national regulations concerning corporate due diligence. For this reason, the Riksdag also agrees with the Commission's and the Government's view that uniform rules at the EU level will be more effective than varying rules from individual countries, while at the same time avoiding fragmentation and legal uncertainty. Here, the Riksdag wishes to clarify that it takes a positive view on the whole on the Commission's proposal for a directive on corporate sustainability due diligence. However, the Riksdag is critical of certain parts of the Commission's proposal that concern corporate governance. In the opinion of the Riksdag, the Commission's proposals for provisions that companies shall duly take into account the fulfilment of obligations when setting variable remuneration (Article 15.3), and provisions on company directors' duty of care (Article 25) and the introduction and overseeing of due diligence actions (Article 26) are not compatible with the principle of subsidiarity. These issues are in the opinion of the Riksdag best managed at the national level.

The Riksdag thus considers that the Commission's proposal in its current form is not compatible with the principle of subsidiarity in all its sections.